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EXAMINER

YIMAM, HARUN M

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/923,078	BASSO ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Harun M. Yimam	2623	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 07 July 2006.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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**Note to Applicant**

Art Units 2611, 2614 and 2617 have changed to 2623. Please make all future correspondence indicate the new designation 2623.

**DETAILED ACTION**

***Response to Arguments***

1. Applicant's arguments filed 02/08/2006 have been fully considered but are moot in view of new grounds of rejection. Although a new ground of rejection has been used to address additional limitations that have been added to claims 1-3, 6, 9, 10, 12-20, 23, 25 and 28-42, a response is considered necessary for several of applicant's arguments since reference Tillman (US 6,496,980) will continue to be used to meet several claimed limitations.

2. In response to applicant's arguments (page 10, 5<sup>th</sup> paragraph - page 11, 4<sup>th</sup> paragraph, page 15, 4<sup>th</sup> paragraph and page 36, 5<sup>th</sup> paragraph) that the inherency taken in the rejection of claim 9 for the limitation "data sink" is improper, applicants should first note that the phrase **data sink** by definition means a memory or recording device capable of accepting data signals from a data transmission device and storing data for future use. Claim 9 calls for an access network, which by definition is that part of a communications network (Tillman—14 in figure 1) that connects subscribers to their immediate service provider. Claim 9 further states that said access network includes a data sink for receiving network programs and live programs from a provider. Tillman discloses that said communication network (14 in figure 1) may be **any network**

(including the Internet—column 3, lines 54-58) for coupling computing devices. The Internet is a publicly accessible network of interconnected computer networks, which include a memory or a recording device capable of accepting data signals from a data transmission device and storing data for future use. Therefore, it is clear that said data sink is necessarily present in Tillman.

3. Applicants question (page 13, 1<sup>st</sup> and 2<sup>nd</sup> paragraph, page 29, 5<sup>th</sup> paragraph, page 30, 2<sup>nd</sup> paragraph and page 44, 5<sup>th</sup> paragraph) the “network” that “stores” “video programs”, the “storage” of “video programs” and the “predetermined time period”. To address the first question, applicants should note that it is the replay portal (Tillman—40 in figure 2), as amended, that stores plurality of video programs. To address the second question, applicants should note that the storage is 40 in figure 2 that stores multimedia data i.e., video programs (Tillman—column 5, lines 13-45). Lastly, the claimed “predetermined period of time” is broad and not specific enough to be limited to one particular reading. Tillman—column 5, lines 13-45 discloses that the multimedia data may be stored on a machine readable medium, such as a DVD, CD-ROM, or a hard disk drive. The multimedia data is stored for a predetermined period of time i.e., for the life of the DVD, until the hard disk drive fills up and has to be refreshed, or until the user decides to delete a stored multimedia data (video program). Either way you look at it, the multimedia data (video program) is stored for ***a predetermined period of time***.

4. In response to applicant's argument (page 14, 2<sup>nd</sup> paragraph) that Tillman does not teach or suggest, expressly or inherently, "said video program is a live event that is stored for a predetermined period of time to permit a user to time shift viewing of said video program upon demand", applicants should note that Tillman discloses that the stored multimedia data (video program) may also be acquired in real-time from live audio and video sources (column 3, lines 32-35 and 41-45) and that camera 42 in figure 2 may be used to capture live events in digital form for transmission as digital video streams over a network (column 5, lines 20-22). Furthermore, Tillman discloses that Server cache 38 in figure 2 may be used to store portion of the video stream (*live events in digital form*) prior to transmission over communications path 34 (column 5, lines 23-24). The "predetermined period of time" limitation is addressed above.

5. In response to applicant's arguments (page 15, 1<sup>st</sup> paragraph, page 34, 5<sup>th</sup> paragraph and page 46, 3<sup>rd</sup> paragraph) that Tillman does not teach or suggest, expressly or inherently, "said backbone network is a high capacity backbone network", applicants should first note that the Tillman's backbone network (the network connection between the camera -42 in figure 2- and the server system 32—column 5, lines 20-22) is adapted to permit the replay portal to receive programs from live sources and broadcasts (18, 20 and 22 in figure 1) for retransmission to customers (column 3, line 38 – column 4, line 8). Furthermore, as shown in figure 2, said network is the top level of a hierarchical computer network thereby making it a backbone network. As to the

**“high capacity”** argument, applicants should note that it is broad and not limited and applicants have not defined what is meant by “high capacity” other than the backbone network being a high capacity backbone network. Therefore, all of the limitations of claim 6 are met by Tillman’s disclosure.

6. In response to applicant's arguments (page 16, 5<sup>th</sup> paragraph) that none of the applied portions of the references relied upon in the office action, whether considered alone or in combination, establish a prima facie case of obviousness, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the rejection of claim 5 below, the cited benefit of updating stored data objects thereby saving/freeing up storage space is expressly recited in Norin (column 19, lines 24-37).

In conclusion, the Examiner has provided a prima facie case of obviousness by establishing the three basic criteria as follows:

First, the Examiner provided suggestions or motivation to combine the references as described above.

Secondly, one of ordinary skill in the art would reasonable expect the various combinations of Tillman, Norin, LaJoie, Ovadia and Kenner to succeed because (i) all of

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these systems are directed to data storage and data transmission and (ii) For example, the teaching of recording over an expired program to enable a customer to retrieve one of a revised selection of a plurality of programs as taught by Tillman and Norin (Norin—column 19, lines 24-27) is a typical feature in data storage devices for freeing up recording space. Therefore, taking the basic concept of storing video programs for on demand access and recording over an expired program as taught by the combined cited prior art is sufficient basis for reasonable expectation of success.

7. The examiner notes that applicant argues **each and every obviousness rejection** by disregarding the prior arts of record and the provided reasonable motivations for combination from the references themselves as well as from the knowledge generally available to one of ordinary skill in the art. The remaining arguments would be addressed in the same manner as above and applicant should note that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

9. Claims 1-4, 6 and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Tillman (US 6,496,980).

Considering claim 1, Tillman discloses an internet network (14 in figure 1 and column 3, lines 54-58) based video replay system adapted for enabling a customer to view a video program (column 3, lines 32-37) comprising: an access network (14 in figure 1) for providing a plurality of access programs selectively available to enable a customer to select and view a said video program (column 3, lines 32-37 and column 3, lines 42-45); and a reply portal (server system 32 in figure 2) directly connected to a backbone network (the network connection between the camera (42 in figure 2) and the server system 32—column 5, lines 20-22) and directly connected to said access network (34 in figure 2 and column 4, lines 57-59); wherein the reply portal stores plurality of video programs (40 in figure 2 and column 5, lines 13-45) for a predetermined period of time to permit customers to view selected programs upon



demand (column 5, lines 13-45 and column 13, line 61 – column 14, line 4), the video program selected from the plurality of video programs (users may select desired multimedia content from stored content 40 or live data from camera 42 in figure 2—column 5, lines 13-45).

As for claim 2, Tillman discloses that the video program is a live event that is stored for a predetermined period of time (column 5, lines 15-24) to permit a user to time shift of said video program upon demand (column 3, lines 32-35 and 41-45).

With regards to claim 3, Tillman discloses that said replay portal (32 in figure 2) is adapted to enable a customer to selectively retrieve a selected program of said plurality of video programs for viewing (column 5, lines 15-45).

Regarding claim 4, Tillman discloses storing a video program for a predetermined period of time for selective viewing by a customer (column 13, line 61 – column 14, line 4).

Considering claim 6, Tillman discloses that said backbone network (the network connection between the camera -42 in figure 2- and the server system 32—column 5, lines 20-22) is a high capacity backbone network adapted to permit the replay portal to receive programs from live sources and broadcasts (18, 20 and 22 in figure 1) for retransmission to customers (column 3, line 38 – column 4, line 8).

As for claim 9, Tillman discloses said access network (14 in figure 1) includes a data sink (inherent since it does receive programs from a source) for receiving network programs and live programs from a provider, a storage unit (40 in figure 2) for receiving said network programs and live programs from the data sink and a data source for providing downstream viewing of selected programming.

***Claim Rejections - 35 USC § 103***

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and Norin (US 5,794,253).

Considering claim 5, Tillman discloses the network stores plurality of video programs for a predetermined period of time to permit customers to view selected programs upon demand (column 13, line 61 – column 14, line 4).

Tillman fails to disclose that the program is recorded over to enable a customer to retrieve one of a revised selection of a plurality of programs.

In analogous art, Norin discloses recording over an expired program to enable a customer to retrieve one of a revised selection of a plurality of programs (column 19, lines 24-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman 's system to include recording over an expired program to provide a revised selection, as taught by Norin, for the benefit of saving space.

12. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of Ovadia (US 6,400,720).

Considering claim 7, Tillman discloses a replay portal receiving programs for retransmission to customers.

Tillman fails to disclose a replay portal receiving programs from other replay portals for retransmission to customers.

In analogous art, Ovadia discloses a replay portal (16 in figure 1) receiving programs from other replay portals (14 in figure 1) for retransmission to customers (column 3, lines 23-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include broadcasts as one of the program sources, as taught by Ovadia, for the benefit of providing multiple programs to the customer.

As for claim 8, Tillman and Ovadia meet the claimed limitations. In particular, Ovadia discloses a primary hub (14 in figure 1) for distributing programs to a secondary hub (16 in figure 1) and fiber optical connections from the secondary hub to a fiber node (18 in figure 1) for retransmission to individual customer homes (column 3, lines 23-40).

13. Claims 10-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of Kenner (US 5,956,716).

Considering claim 10, Tillman discloses a storage unit storing network programs and live programs.

Tillman fails to disclose a storage manager unit for managing a selection of a particular program by a customer and for addition and removal of data from a store.

In analogous art, Kenner discloses a storage manager unit (PIM—Primary Index Manager) for managing the selection of a particular program by a customer and for addition and removal of data from a store (column 11, lines 59-64 and column 29, lines 50-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include a storage manager unit, as taught by Kenner, for the benefit of maintaining the data stored in its unit (column 29, lines 59-67).

As for claim 11, Kenner discloses that the storage manager is operative connected to a data sink for receiving data from upstream and writing the data to the store for a particular customer while making the data available for immediate delivery to a customer (column 16, lines 14-61).

With regards to claim 12, Kenner discloses a media manager for managing the selection of a particular program by a customer, said media manager including a backend frame format means for determining an encapsulation of media frames in real transport protocol (column 11, lines 45-59).

14. Claims 13-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of LaJoie (US 5,850,218).

Considering claim 13, Tillman discloses a customer enabled to view a video program.

Tillman fails to disclose that the customer is enabled to pause, reverse and forward the viewing of the video program.

In analogous art, LaJoie discloses that a customer is enabled to pause, reverse and forward a viewing of the video program (column 8, lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include that a customer is enabled to pause, reverse and forward the viewing of the video program, as taught by LaJoie, for the benefit of interactivity.

As for claims 14 and 17, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring and the transfer of the video program is by a unicast real time transport protocol or any other unicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

With regards to claim 16, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring of the video program is by inter portal communication (see figure 2)

Regarding claims 15 and 18, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring and the transfer of the video program is by

a multicast real time transport protocol or any other multicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

15. Claims 19-21, 23, 25, 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of LaJoie (US 5,850,218).

Considering claim 19, Tillman discloses an internet network (14 in figure 1 and column 3, lines 54-58) based video replay system adapted for enabling a customer to view a video program (column 3, lines 32-37) comprising: an access network (14 in figure 1) for providing a plurality of access programs selectively available to enable a customer to select and view a said video program (column 3, lines 32-37 and column 3, lines 42-45); and a reply portal (server system 32 in figure 2) directly connected to a backbone network (the network connection between the camera (42 in figure 2) and the server system 32—column 5, lines 20-22) and directly connected to said access network (34 in figure 2 and column 4, lines 57-59); wherein the reply portal stores plurality of video programs (40 in figure 2) for a predetermined period of time to permit customers to view selected programs upon demand (column 5, lines 34-37 and column 13, line 61 – column 14, line 4), the video program selected from the plurality of video programs (users may select desired multimedia content from stored content 40 or live data from camera 42 in figure 2— column 5, lines 13-45).

Tillman fails to disclose that the customer is enabled to pause, reverse and forward the viewing of the video program.

In analogous art, LaJoie discloses that a customer is enabled to pause, reverse and forward the viewing of the video program (column 8, lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include that a customer is enabled to pause, reverse and forward the viewing of the video program, as taught by LaJoie, for the benefit of interactivity.

As for claim 20, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that the video program is a live event that is stored for a predetermined period of time (column 5, lines 15-24) to permit a user to time shift of said video program upon demand (column 3, lines 32-35 and 41-45).

With regards to claim 21, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that said replay portal stores a program for at least one of a predetermined period of time and an undetermined period of time for selective viewing by a customer (column 13, line 61 – column 14, line 4).

Regarding claim 23, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that the replay portal is permitted to receive programs from



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live sources and broadcasts (18, 20 and 22 in figure 1) for retransmission to customers (column 3, line 38 – column 4, line 8).

Considering claim 25, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that said access network includes a data sink (inherent since it does receive programs from a source) for receiving network programs and live programs from a provider, a storage unit (40 in figure 2) for receiving said network programs and live programs from the data sink and a data source for providing downstream viewing of selected programming.

As for claim 29, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring of the video program is by a unicast real time transport protocol or any other unicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

With regards to claim 30, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring of the video program is by a multicast real time transport protocol or any other multicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

16. Claims 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and LaJoie (US 5,850,218), as applied to claim 21 above, and further in view of Norin (US 5,794,253).

Considering claim 22, Tillman and LaJoie disclose that the network stores plurality of video programs for a predetermined period of time to permit customers to view selected programs upon demand (Tillman—column 13, line 61 – column 14, line 4).

Tillman and LaJoie fail to disclose that the program is recorded over to enable a customer to retrieve one of a revised selection of a plurality of programs.

In analogous art, Norin discloses recording over an expired program to enable a customer to retrieve one of a revised selection of a plurality of programs (column 19, lines 24-27).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tillman and LaJoie to include recording over an expired program to provide a revised selection, as taught by Norin, for the benefit of saving space.

17. Claims 24 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and LaJoie (US 5,850,218), as applied to claim 19 above, and further in view of Ovadia (US 6,400,720).

Considering claim 24, Tillman and LaJoie disclose a replay portal receiving programs for retransmission to customers.

Tillman and LaJoie fail to disclose a replay portal receiving programs from other replay portals for retransmission to customers.

In analogous art, Ovadia discloses a replay portal (16 in figure 1) receiving programs from other replay portals (14 in figure 1) for retransmission to customers (column 3, lines 23-40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tillman and LaJoie to include broadcasts as one of the program sources, as taught by Ovadia, for the benefit of providing multiple programs to the customer.

As for claim 31, Tillman, LaJoie, and Ovadia meet the claimed limitations. In particular, Ovadia discloses that an acquiring of the video program is by inter portal communication (see figure 1 and column 3, lines 23-40).

With regards to claim 32, Tillman, LaJoie, and Ovadia meet the claimed limitations. In particular, LaJoie discloses that the transfer of the video program is by a unicast real time transport protocol or any other unicast protocol (column 9, lines 48-52).

Regarding claim 33, Tillman, LaJoie, and Ovadia meet the claimed limitations. In particular, LaJoie discloses that the transfer of the video program is by a multicast real time transport protocol or any other multicast protocol (column 9, lines 48-52).

18. Claims 26-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and LaJoie (US 5,850,218), as applied to claim 25 above, and further in view of Kenner (US 5,956,716).

Considering claim 26, Tillman and LaJoie disclose a storage unit storing network programs and live programs.

Tillman and LaJoie fail to disclose a storage manager unit for managing the selection of a particular program by a customer and for addition and removal of data from a store.

In analogous art, Kenner discloses a storage manager unit (PIM—Primary Index Manager) for managing the selection of a particular program by a customer and for

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addition and removal of data from a store (column 11, lines 59-64 and column 29, lines 50-58).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tillman and LaJoie to include a storage manager unit, as taught by Kenner, for the benefit of maintaining the data stored in its unit (column 29, lines 59-67).

As for claim 27, Tillman, LaJoie, and Kenner meet the claimed limitations. In particular, Kenner discloses that the storage manager is operative connected to a data sink for receiving data from upstream and writing the data to the store for a particular customer while making the data available for immediate delivery to a customer (column 16, lines 14-61).

With regards to claim 28, Tillman, LaJoie, and Kenner meet the claimed limitations. In particular, Kenner discloses a media manager for managing the selection of a particular program by a customer, said media manager including a backend frame format means for determining an encapsulation of media frames in real transport protocol (column 45-59).

19. Claims 34-36 and 38-42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and in view of LaJoie (US 5,850,218).

Considering claim 34, Tillman discloses an internet network (14 in figure 1 and column 3, lines 54-58) based video replay system adapted for enabling a customer to view a video program (column 3, lines 32-37) comprising: an access network (14 in figure 1) for providing a plurality of access programs selectively available to enable a customer to select and view a said video program (column 3, lines 32-37 and column 3, lines 42-45); and a reply portal (server system 32 in figure 2) directly connected to a backbone network (the network connection between the camera (42 in figure 2) and the server system 32—column 5, lines 20-22) and directly connected to said access network (34 in figure 2 and column 4, lines 57-59); wherein said customer replay portal stores a plurality of video programs for at least one of a predetermined period of time and an undetermined period of time (column 13, line 61 – column 14, line 4) to permit said customer to view selected programs upon demand (column 13, line 61 – column 14, line 4).

Tillman fails to disclose that the customer replay portal is maintained by the customer and that the customer is enabled to pause, reverse and forward the viewing of the video program.

In analogous art, LaJoie discloses that the customer replay portal is maintained by the customer (column 9, lines 52-58) and that a customer is enabled to pause, reverse and forward the viewing of the video program (column 8, lines 7-10).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Tillman's system to include that a customer is enabled to pause, reverse and forward the viewing of the video program, as taught by LaJoie, for the benefit of interactivity.

As for claim 35, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that the video program is a live event that is stored for a predetermined period of time (column 5, lines 15-24) to permit a user to time shift of said video program upon demand (column 3, lines 32-35 and 41-45).

With regards to claim 36, Tillman and LaJoie meet the claimed limitations. In particular, Tillman discloses that said backbone network (the network connection between the camera -42 in figure 2- and the server system 32—column 5, lines 20-22) is a high capacity backbone network adapted to permit the replay portal to receive programs from live sources and broadcasts (18, 20 and 22 in figure 1) for retransmission to customers (column 3, line 38 – column 4, line 8).

Regarding claim 38, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring of the video program is by a unicast real time transport protocol or any other unicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

Considering claim 39, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring of the video program is by a multicast real time transport protocol or any other multicast protocol (a provider transfers a video program and a customer acquires it—column 9, lines 48-52).

As for claim 40, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring of the video program is by inter portal communication (see figure 2)

With regards to claim 41, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring of the video program is by transfer from a network based portal operated by a service provider (column 9, lines 48-48).

Regarding claim 42, Tillman and LaJoie meet the claimed limitations. In particular, LaJoie discloses that an acquiring of the video program is by transfer from a network based portal operated by another customer (column 9, lines 48-48).

20. Claim 37 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tillman (US 6,496,980) and LaJoie (US 5,850,218), as applied to claim 34 above, and further in view of Kenner (US 5,956,716).



Considering claim 37, Tillman and LaJoie disclose a storage unit storing network programs and live programs.

Tillman and LaJoie fail to disclose a media manager for managing the selection of a particular program by a customer, said media manager including a backend frame format means for determining an encapsulation of media frames in real transport protocol.

In analogous art, Kenner discloses a media manager for managing the selection of a particular program by a customer, said media manager including a backend frame format means for determining the encapsulation of media frames in real transport protocol (column 11, lines 45-59).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Tillman and LaJoie to include a storage manager unit, as taught by Kenner, for network transmission purposes (column 11, lines 52-59).

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY



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